

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ROBERT RHODES,

Defendant.

No. 18-cr-373-14 (RJS)  
ORDER


RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a *pro se* letter from Defendant Robert Rhodes, dated December 26, 2023, inquiring as to whether any recent amendments to the United States Sentencing Guidelines apply to his case. As the Court noted in its January 2, 2024 Order (Doc. No. 1010), the Court declines to consider Rhodes's *pro se* letter because he is currently represented by counsel and has not made any claim that counsel is not adequately representing him or any request to proceed *pro se*. See *United States v. Hage*, 74 F.4th 90, 93 (2d Cir. 2023) (explaining that a “defendant cannot switch between *pro se* and counseled modes at will, because the two rights cannot be exercised at the same time” (internal quotation marks and alterations omitted)). The Court has provided a copy of Rhodes's *pro se* letter to defense counsel via email and will maintain the original letter under seal in the event that defense counsel or defendant intends to reference it in a subsequent filing.

The Clerk of Court is respectfully directed to mail a copy of this order to Defendant Robert Rhodes.

SO ORDERED.

Dated: January 4, 2024  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation